

Application No. 09/937,191
Filed: January 3, 2002
TC Art Unit: 1642
Confirmation No.: 6276

REMARKS

Claims 1, 2, 4-21 and 23-26 are pending in the application. Claims 1, 2, 4-8, 16, 21 and 23-26 have been rejected by the Examiner. Applicant has amended claims 1, 2, 4-7, 21, 23 and 24. Claims 9-15 and 17-20 have been withdrawn. Claims 3, 8, 16, 22, 25 and 26 have also been canceled. Applicant has presented claims 27-30. Claims 27-30 have support within the specification such that new subject matter has not been introduced herein. The specification has also been amended. Applicant respectfully submits that claims 1, 2, 4-7, 21, 23, 24 and 27-30 should be pending after entry of the above amendments.

The above amendments to the claims should not be construed as acquiescence to the rejections by the Examiner and were provided solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in the present or a separate application(s).

Applicant respectfully requests reconsideration and withdrawal of the rejections by the Examiner in view of the above amendments and remarks herein.

General Objections

The Examiner has objected to the specification. Applicant has amended the specification to overcome the objections indicated by the Examiner.

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Claim Objections

The Examiner has rejected claims 1, 2, 4-8, 16, 21 and 23-26. Applicant has amended claims 1, 2, 4-7, 21, 23 and 24. Applicant submits that the amendments overcome the objections by the Examiner.

Claim Rejections 35 U.S.C. § 101

The Examiner has rejected claims 1, 2, 4-8, 16, 21 and 23-26 under 35 U.S.C. § 101. Applicant has amended claims 1, 2, 4-7, 21, 23 and 24. Applicant submits that the amendments overcome the rejections by the Examiner based on 35 U.S.C. § 101.

Claim Rejections 35 U.S.C. § 112

The Examiner has rejected claims 1, 2, 4-8, 16, 21 and 23-26 under 35 U.S.C. § 112. Applicant has amended claims 1, 2, 4-7, 21, 23 and 24. Applicant submits that the amendments overcome the rejections by the Examiner based on 35 U.S.C. § 112.

Claim Rejections 35 U.S.C. § 102

The Examiner has rejected claims 1-8, 16, 21 and 23-26 under 35 U.S.C. § 102 as anticipated by several references. Applicant submits that claims 1, 2, 4-7, 21, 23, 24 and 27-30 recite a method. The references cited by the Examiner do not require an aminopeptidase inhibitor that causes blocking of polarization of an invasive tumor cell by modifying at least one surface protein as required by the claimed method. The patent laws require that a reference teach each limitation of the claims under consideration to establish prima facie anticipation. Applicant underscores that the references cited

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by the Examiner do not disclose each limitation of claims 1, 2, 4-7, 21, 23, 24 and 27-30. Thus, Applicant submits the rejections of claims 1-8, 16, 21 and 23-26 based on 35 U.S.C. § 102 should be withdrawn by the Examiner.

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CONCLUSION

In view of the remarks presented herein, reconsideration and withdrawal of the rejections by the Examiner and allowance of the application with the pending claims are respectfully requested.

The Examiner is also encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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